

## CHARLES WALL

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JANUARY 31, 1925.—Committed to the Committee of the Whole House and ordered to be printed

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MR. STEPHENS, from the Committee on Naval Affairs, submitted the following

## REPORT

[To accompany H. R. 7712]

The Committee on Naval Affairs, to whom was referred the bill H. R. 7712, having had the same under consideration, report favorably thereon with an amendment, and as amended recommend that the bill do pass.

In line 8, after the word "grade," strike out the period, insert a colon, and add the following: "*Provided*, That no back pay, allowances, or emoluments shall become due because of the passage of this act."

Charles Wall was enrolled in the Naval Reserve Force March 14, 1917, in which service he was on active duty from November 1, 1917, to January 19, 1920.

While in command of the U. S. S. *Lake Bridge* he was engaged with an enemy submarine and received a letter of commendation from the Secretary of the Navy on account of his prompt and efficient action. He also received a certificate of appreciation for services rendered during the World War in command of his ship, and was presented with a Navy cross by the President "for distinguished service in the line of his profession in action with a German submarine on July 5, 1918, when in command of the U. S. S. *Lake Bridge*."

Subsequently he became unfit for duty by reason of a disability which was reported not to have been incurred in line of duty.

By reason of his disability he was relieved from active duty. In 1921 he was authorized to appear before a board of medical survey, which reported him incapacitated for service by reason of the disability incurred in line of duty. Prior to that time, however, his enrollment had expired.

In June, 1922, he was authorized to be reenrolled in order that he might be entitled to the benefits of retirement if found incapacitated by physical disability incurred in line of duty. He was then found

to be permanently incapacitated for active service by reason of a disability incurred in line of duty.

It was subsequently held that his reenrollment was not permissible under the law and for that reason he was denied retirement. In other words, the record as it stands shows that Charles Wall incurred a total and permanent disability in line of duty which qualified him for retirement, which has been denied him for reasons not connected with the merits of his case.

Mr. Wall is now rated permanently and totally disabled by the Veterans' Bureau. His failure to be on the retired list is not due to any sacrifice or disability different in principle from those who are on the retired list.

The following letters are hereby made a part of this report:

NAVY DEPARTMENT,  
Washington, November 11, 1920.

SIR: The President of the United States takes pleasure in presenting the Navy cross to Lieut. Commander Charles Wall, United States Naval Reserve Force, for services during the World War as set forth in the following citation: "For distinguished service in the line of his profession in action with a German submarine on July 5, 1918, when in command of the U. S. S. *Lake Bridge*."

For the President:

JOSEPHUS DANIELS,  
Secretary of the Navy.

NAVY DEPARTMENT,  
BUREAU OF NAVIGATION,  
Washington, D. C., November 18, 1920.

From: Bureau of Navigation.

To: Lieut. Commander Charles Wall, United States Naval Reserve Force, 2646 Bancroft Way, Berkeley, Calif.

Subject: Transmittal of certificate of appreciation.

1. The bureau takes pleasure in forwarding herewith a certificate of appreciation awarded to you by the Navy Department for services rendered during the World War in command of the U. S. S. *Lake Bridge*.

2. A copy of this letter will be made a part of your official record.

3. Please acknowledge receipt of this communication.

D. B. BEARY  
(By direction).

The following letter from the Secretary of the Navy to the chairman of the Committee on Naval Affairs gives the views and recommendations of the Navy Department:

NAVY DEPARTMENT,  
Washington, April 2, 1924.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,  
House of Representatives.

MY DEAR MR. CHAIRMAN: Replying further to the committee's letter of March 8, 1924, inclosing a bill (H. R. 7712) for the relief of Charles Wall, and requesting the views and recommendations of the department thereon, I have the honor to inform you as follows:

The records of this department show that Charles Wall was enrolled as a lieutenant (junior grade) in class 3 of the Naval Reserve Force on March 14, 1917; that he was assigned the provisional rank of lieutenant in the Naval Reserve Force on November 7, 1917; and was assigned the provisional rank of lieutenant commander in the Naval Reserve Force on April 10, 1918. He was employed on active duty from November 1, 1917, to January 19, 1920. During the period from August, 1918, to December, 1919, he was examined by five different boards of medical survey, and found to be unfit for duty by reason of a disability which was reported not to have been incurred in the line of duty. The board which surveyed him in December, 1919, recommended that he be relieved from active duty, and his release therefrom was consequent upon the recommendation of that board.

In June, 1921, Mr. Wall addressed a letter to the department requesting that he be placed upon the retired list by reason of physical disability. As the result of such request he was authorized to appear before another board of medical survey and this board reported him to be incapacitated for service by reason of disability incurred in the line of duty, and recommended that he be transferred to the naval hospital at Mare Island, Calif., for observation and treatment. He remained at that hospital until October, 1921, when he was again surveyed, with the recommendation that he be ordered to appear before a naval retiring board for final disposition. However, in view of the fact that his enrollment in the Naval Reserve Force expired in March, 1921, no action was taken upon the recommendation of the board of medical survey.

As a result of further correspondence in June, 1922, authorization was issued for reenrollment of Mr. Wall in the Naval Reserve Force in order that he might be entitled to the benefits of retirement if found incapacitated for service because of physical disability incurred in the line of duty. He was so enrolled on September 1, 1922, and was authorized to report before a naval retiring board for examination. The board found him to be permanently incapacitated for active service by reason of a disability incurred in the line of duty as the result of an incident of the service. Upon a review of the circumstances in connection with his reenrollment, the Judge Advocate General of the Navy held (Opinion J. A. G., February 14, 1923; file 26253-1465-J) that such action was illegal and that he was not eligible to be placed upon the retired list. As a result of such opinion the President of the United States, under date of February 14, 1922, disapproved the proceedings and findings of the naval retiring board and directed that he be not placed upon the retired list.

From the above it will be noted that Mr. Wall was not authorized to appear before a naval retiring board prior to the date of the expiration of his enrollment in the Naval Reserve Force because of the fact that the various boards of medical survey found his disability to have originated not in the line of duty. His subsequent application for retirement was dated approximately three months after his enrollment had expired, and the department has held that officers in that status are not eligible for retirement.

In view of the fact that this legislation is individual in character and not for the general good of the naval service, this department recommends that the bill H. R. 7712 be not enacted. However, the department would not be opposed to the enactment of general legislation authorizing the retirement of officers in the Naval Reserve Force and former officers of the temporary Navy who are physically disabled by reason of disability incurred in the line of duty during the period from April 6, 1917, to March 3, 1921. If such general legislation were enacted, Mr. Wall would be entitled to consideration thereunder.

Sincerely yours,

CURTIS D. WILBUR,  
*Secretary of the Navy.*

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